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Nevada bar No. 1332  
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3 LAS VEGAS, NEVADA 89101  
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Attorney for Defendant  
5 FRANCISCO CARBAJAL ALVIDREZ

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA  
\* \* \*

8  
9 UNITED STATES OF AMERICA, ) 2:15-CR-00155-RFB  
10 )  
11 Plaintiff, )  
12 v. ) STIPULATION AND ORDER TO  
CONTINUE SENTENCING  
13 )  
14 FRANCISCO CARBAJAL ALVIDREZ, ) (FIRST REQUEST)  
15 Defendant. )  
16 )

17 IT IS HEREBY STIPULATED by and between FRANCISCO CARBAJAL ALVIDREZ,  
18 Defendant, by and through his counsel THOMAS F. PITARO, ESQ, Defendant, by and through  
19 his counsel and the United States of America, SUSAN CUSHMAN, Assistant United States  
20 Attorney, that Sentencing in the above-captioned matter currently scheduled for June 8, 2017 at  
21 the hour of 2:00 p.m., vacated and continued for next week, or to a date and time to be set by this  
22 Honorable Court.

23  
24 This Stipulation is entered into for the following reasons:

- 25 1. Counsel has a family emergency and needs to accompany his wife at the hospital.  
26 2. Defendant is in custody. Counsel for defendant has spoken with his client he has no  
27 objection to this continuance.  
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- 1           3. Counsel understands that his presence is required to appear before the Court since he  
2           is the attorney of record.
- 3           4. Counsel has spoken to Assistant United States Attorney Susan Cushman and she has  
4           no opposition to the continuance.
- 5           5. Denial for this request for continuance would deny the parties herein time and the  
6           opportunity within which to effectively and thoroughly research and prepare for trial  
7           in this case, taking into account the exercise of due diligence and continuity of  
8           counsel.
- 9           6. Additionally, denial of this request for continuance would result in a miscarriage of  
10          justice.
- 11          7. For all the above-stated reasons, the ends of justice would best be served by a  
12          continuance of the sentencing date.
- 13          8. This is the first request for a continuance of the trial date in this case.

14          DATED: June 7, 2017

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19          PITARO & FUMO, CHTD.

                DANIEL G BOGDEN  
                UNITED STATES ATTORNEY

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21          \_\_\_\_\_  
22          /s/  
23          THOMAS F. PITARO, ESQ.  
24          601 LAS VEGAS BOULEVARD, SOUTH  
25          LAS VEGAS, NEVADA 89101  
26          ATTORNEY FOR DEFENDANT

                \_\_\_\_\_  
                /s/  
                SUSAN CUSHMAN, ESQ.  
                ASSISTANT UNITED STATES ATTORNEYS  
                501 LAS VEGAS BOULEVARD SOUTH. #1100  
                LAS VEGAS, NEVADA 89101

1  
2 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

3 \* \* \*

4 UNITED STATES OF AMERICA, ) 2:15-CR-00118-KJD-VCF  
5 )  
6 Plaintiff, )  
7 v. )  
8 FRANCISCO CARBAJAL ALVIDREZ, )  
9 )  
10 Defendant. )  
11 \_\_\_\_\_ )

12 FINDINGS OF FACT

13 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
14 Court finds:

15 This Stipulation is entered into for the following reasons:

- 16 1. Counsel has a family emergency and needs to accompany his wife at the hospital.  
17 2. Defendant is in custody. Counsel for defendant has spoken with his client he has no  
18 objection to this continuance.  
19 3. Counsel understands that his presence is required to appear before the Court since he  
20 is the attorney of record.  
21 4. Counsel has spoken to Assistant United States Attorney Susan Cushman and she has  
22 no opposition to the continuance.  
23 5. Denial for this request for continuance would deny the parties herein time and the  
24 opportunity within which to effectively and thoroughly research and prepare for trial  
25 in this case, taking into account the exercise of due diligence and continuity of  
26 counsel.  
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1           6. Additionally, denial of this request for continuance would result in a miscarriage of  
2 justice.

3           7. For all the above-stated reasons, the ends of justice would best be served by a  
4 continuance of the sentencing date.  
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6           8. This is the first request for a continuance of the trial date in this case.  
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11                                   **CONCLUSIONS OF LAW**

12           The end of justice served by granting said continuance outweigh the best interest of the  
13 public and defendants in a speedy trial since the failure to grant said continuance would likely  
14 result in a miscarriage of justice, would deny the parties herein sufficient time and the  
15 opportunity within which to be able to effectively and thoroughly prepare for sentencing taking  
16 into account the exercise of due diligence.

17           The continuance sought herein is excludable under the Speedy Trial Act, Title 18 U.S.C.  
18 3161(h)(7) (A), considering the factors under title 18 U.S.C. 3161 (h)(7)(B)( i) and 3161  
19 (h)(7)(B)(iv).  
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2 **ORDER**  
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4 **IT IS ORDERED** that Sentencing currently scheduled for June 8, 2017 at the hour of  
5 2:00 p.m., be vacated and continued to this 21st day of June, 2017, at  
6 the hour of 11:00 a.m. in Courtroom 7D.  
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8 DATED this 7th of June, 2017.  
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11 RICHARD F. BOULWARE, II  
12 UNITED STATES DISTRICT JUDGE  
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